

## **REMARKS / ARGUMENTS**

In complete response to the Office Action dated July 17, 2007, on the above identified application, reconsideration is respectfully requested. Claims 22-25, 27-35, 37-44, and 46-53 and 55-69 are pending in this application.

### **Objection to the Drawings:**

The Examiner objected to the drawings as failing to illustrate “foodstuffs” as recited by claim 53. Applicants have replaced the term “foodstuffs” with the term “articles”. The Figure illustrates articles with reference character 24. Thus, Applicant respectfully requests withdrawal of the objection.

### **Claim Rejections Under 35 U.S.C. § 112:**

Claim 53 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended claim 53 to replace the term “foodstuffs” with the phrase “gaseous fluid”. Applicant has also amended claim 53 to more clearly present antecedent basis for the mixing pipe and injection pipe. As such, Applicant respectfully requests withdrawal of the rejection.

### **Claim Rejections Under 35 U.S.C. § 102:**

Claims 22-25, 27-31 and 39-41, 43-44, 46-51 and 53 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miller et al. ‘673.

With respect to claims 22-25 and 27-31, Applicant respectfully traverses because Miller fails to disclose, teach or suggest all of the limitations of the claims as amended, in particular, introducing a confined stream of a gaseous fluid into a chamber and spraying liquid nitrogen into the stream, wherein the steps of slowing and spraying are performed within the chamber. Miller does not disclose each of introducing a confined stream of gaseous fluid into the chamber and spraying liquid nitrogen into a chamber. Rather, Miller only sprays liquid nitrogen into the drum. Vaporized liquid nitrogen is not introduced into the chamber. Rather a phase change from liquid to gas occurs within the chamber. Thus, it fails to disclose introducing a confined stream of a gaseous fluid into the chamber and the rejection as to claims 22-25 and 27-31 should be withdrawn.

With respect to claims 39-41, 43-44, 46-51, and 53, Applicant respectfully traverses because Miller fails to disclose, teach or suggest all of the limitations of the claims as amended. Miller does not disclose the combination of a mixing pipe, a means for spraying liquid nitrogen, and an injection pipe wherein the mixing pipe has a cross-section larger than that of the injection pipe. Rather, Miller only sprays liquid nitrogen into a cylinder which the Examiner equates to a mixing pipe. Vaporized liquid nitrogen is not injected into the cylinder via an injection pipe having a smaller cross-section than that of the cylinder.

**Claim Rejections Under 35 U.S.C. § 103:**

Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. '673. Applicant respectfully traverses because Miller fails to disclose, teach or suggest all of the limitations of the claims as amended. Miller does not disclose the combination of a mixing pipe, a means for spraying liquid nitrogen, and an injection pipe wherein the mixing pipe has a cross-section larger than that of the injection pipe. Rather, Miller only sprays liquid nitrogen into a cylinder which the Examiner equates to a mixing pipe. Vaporized liquid nitrogen is not injected into the cylinder via an injection pipe having a smaller cross-section than that of the cylinder.

**Claims 32-34 and 36-38**

Applicant also asserts that claims 32-34 and 36-38 are patentable over the art of record because it fails to disclose, teach, or suggest diverting at least a portion of the cooled fluid, allowing said diverted portion to exit said confinement and applying said diverted portion directly to said objects thereby cooling them.

**CONCLUSION**

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

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